

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RUSSELL ZINTER; ET AL.

Plaintiffs,

v.

CHIEF JOSEPH SALVAGGIO; ET AL.

Defendants.

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CIVIL NO. SA-18-CA-680-JKP-RBF

JOINT MOTION TO MODIFY SCHEDULING ORDER

Defendants and Plaintiffs submit this Joint Motion to Modify the Scheduling Order pursuant to Fed. R. Civ. P. 16(b)(4), and, in support of this Joint Motion, state the following:

1. Plaintiff initiated this 42 U.S.C. § 1983 action on July 4, 2018. [Dkt. 1].
2. A proposed Scheduling Order, and a Joint Motion for Protective Order, were submitted on October 28, 2020. [Dkts. 80 and 81].
3. On June 11, 2021, the parties submitted a Joint Motion to Modify Scheduling Order, because Plaintiffs' changed lead counsel and additional time was agreed to between the parties for Plaintiffs' new counsel to obtain pertinent knowledge of the legal issues in this case involving numerous Plaintiffs and Defendants. [Dkt. 102]. The Court granted said motion and entered an Amended Scheduling Order on July 29, 2021. [Dkt. 111]. As per the Amended Scheduling Order, Plaintiffs have until September 27, 2021, to designate testifying experts and Defendants have until October 25, 2021, to designate their testifying experts.
4. Defendant City carries most of the burden to respond to Plaintiffs' discovery requests because it maintains city records which pertain to the City and Individual Defendants. Plaintiffs'

requested documents are numerous in addition to obtaining the information to make good faith responses to Plaintiffs' Interrogatories and Requests for Admissions.

5. Defendant City has requested an additional extension to respond to Plaintiffs' discovery requests to September 18, 2021. Plaintiffs have a legitimate concern that any additional time to obtain discovery responses will not provide sufficient time to depose the numerous Defendants in this case and to obtain Plaintiffs' expert report. In turn, Defendants have the same concern.

6. The parties therefore request the Court adjust the following deadlines thirty (30) days for designation of experts as follows:

Event	Current Deadline	Deadline After Extension
Expert Witness Deadline:	Plaintiff: 09/27/2021 Defendant: 10/25/2021	Plaintiff: 10/27/2021 Defendant: 11/24/2021

7. The parties are not presently requesting any Court ordered extensions for the remaining deadlines set forth in the Amended Scheduling Order. [Dkt. 111].

8. The parties will endeavor to meet all remaining deadlines. There will be no prejudice to any of the Parties if the Court grants the requested modification of the Scheduling Order.

WHEREFORE, Defendants and Plaintiffs respectfully ask this Honorable Court to Grant their Joint Motion to Modify Scheduling Order for the deadlines stated above.

SIGNED this 18th day of August 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby affirm that on this 18th day of August, 2021, that the foregoing document was filed with the Court's CM/ECF electronic filing system, and that a copy of said document was served upon all parties of record, via electronic service and/or via certified mail, return receipt requested, unless otherwise indicated, and according to the Federal Rules of Civil Procedure.

/s/ *Adolfo Ruiz*
ADOLFO RUIZ